

ORIGINAL

Volume: 1
Pages: 1 - 191
Exhibits: See Index

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No. 04-10835-MEL

DAVID M. GOLDEN, et al.,)
 Plaintiffs,)
))
 v.)
))
COUNTY OF SUFFOLK,)
 Defendant.)

DEPOSITION OF **JOHN T. CONNOLLY, JR.**, a
Witness called on behalf of the Defendant, taken
pursuant to the applicable provisions of the
Federal Rules of Civil Procedure, before Maureen
Nashawaty, a Notary Public within and for the
Commonwealth of Massachusetts, held at the Nashua
Street Jail, 200 Nashua Street, Boston, MA, on
Tuesday, September 4, 2007 commencing at 1:30
p.m.

COPLEY COURT REPORTING, Inc.
58 Batterymarch Street
Boston, Massachusetts 02110
(617) 423-5841

DISK
ENCLOSED

1 have been incarcerated at the Suffolk County
2 House of Correction?

3 A. Yes, the first one was -- three times.

4 Q. And do you know what years those were?

5 A. From 2006 to 2008 was the first time.

6 Q. I'm sorry, 2006 to 2008?

7 A. I'm sorry, maybe I am mistaken let me
8 see, '95, no, I'm sorry, it was '96.

9 Q. That is okay.

10 A. Yes, '96.

11 Q. I thought I would ask.

12 A. '96 to '98.

13 Q. Okay. That was the first time?

14 A. That was my first time.

15 Q. And then after that?

16 A. I was incarcerated there in September
17 of 1998 and I left the institution in January of
18 1999 and I transferred over to the state system
19 in that Longwood program and I finished that
20 sentence in January of '01.

21 Q. And the third time?

22 A. It was from 2001 until October of 2005,
23 that was the last time, yes, yes.

24 Q. Okay. Have you been incarcerated at

1 the Norfolk House of Correction?

2 A. Yes.

3 Q. And when were you incarcerated there?

4 A. '91. I am not really sure. I am
5 pretty sure it was '91. I was transferred out of
6 the Old Deer Island in '91 before the new
7 South Bay opened up.

8 Q. Okay.

9 A. '91 to '92.

10 Q. Okay. And how many times were you held
11 there?

12 A. How many times was I held there -- I
13 don't think I was ever held there. I am not sure
14 if I was ever held there.

15 Q. What about Middlesex House of
16 Correction?

17 A. No, I have never been held there.

18 Q. Okay, and Barnstable House of
19 Correction?

20 A. What year was I there, I was there in
21 2001, the summer of 2001.

22 Q. How long were you there for?

23 A. Two months, a month or two months.

24 Q. Okay.

1 to the number of times that you have been
2 incarcerated?

3 A. Yes, the way, there was time put on
4 something concurrent so it might look like more.

5 Q. Okay.

6 A. What is written here is, let me see,
7 that would be.

8 Q. So you have been incarcerated dating
9 back to 1987, is that correct?

10 A. Yes, from '87 to '88, and then from '91
11 to '92 and then from '95 to '98 but I actually
12 didn't arrive to South Bay until '96 but it
13 started in '95.

14 Q. Where were you in '95 then?

15 A. I was being held at Plymouth -- a 52A.
16 I was there from November until February until I
17 plead out. And then in '98 to '99 -- '98 to
18 2001, so that would be one, two, three, four, and
19 then from 2001 to 2005 was an actually a two
20 and-a-half suspended on and after and I did half
21 and got out and came back and did the other half
22 so it might come out as 6 if we do it that way.

23 Q. Okay, can you look at the one that says
24 on 8/17/01 it says you were held in Barnstable

1 A. It started at Suffolk County House of
2 Correction, the old Deer Island.

3 Q. Okay.

4 A. 1981.

5 Q. Okay.

6 A. And I finished that sentence and went
7 on after the state prison sentence I went from
8 Deer Island -- I drove up to Concord in '82 and I
9 bounced around the state system from '82, '83,
10 '84 and '85.

11 Q. And what were you in for on that
12 occasion?

13 A. Unarmed robbery.

14 Q. Unarmed robbery?

15 A. Yes.

16 Q. And that is a felony, correct?

17 A. I would imagine so, yes.

18 Q. Okay. So between '85 and '87 were you
19 incarcerated other than the testimony that you
20 have given for the first --

21 A. '85 to '87, no.

22 Q. Okay. Are the changes here -- are the
23 convictions for which you have been incarcerated
24 on Pages 1 and 2 correct?

1 Q. But you did have a top bunk during that
2 time at some point?

3 A. Yes, and actually 3-4, I was on the
4 bottom bunk too though, yes. I came in on the
5 top and was on the bottom bunk too, yes --

6 Q. Okay.

7 A. It varies.

8 Q. Did the bunk beds have ladders?

9 A. No, they didn't.

10 Q. And this is back in '96?

11 A. Right.

12 Q. '96?

13 A. Yes.

14 Q. When they were double bunks?

15 A. Yes.

16 Q. So from '96 to --

17 A. We are talking 3 Building versus 4
18 Building too now.

19 Q. Right, because you were in Building 3
20 in '96?

21 A. Yes, yes, exactly.

22 Q. Okay, so from '96 to 2005 you were
23 pretty much incarcerated at the Suffolk County
24 House of Correction with a few transfers here and

1 there?

2 A. Yes.

3 Q. Let's take the -- after '97 when you
4 believed that the bunks became triple bunks
5 approximately?

6 A. Yes.

7 Q. During that '96 to '98 time frame, did
8 you have a top bunk at any point during that
9 time?

10 A. I think it varied depending on the cell
11 because I was moved around a lot. I wouldn't
12 know exactly when and how long.

13 Q. But you had a top bunk, do you agree
14 with me at sometime point from '97 to '98?

15 A. Yes, at different times, yes.

16 Q. And after '97, let's say the rooms were
17 triple bunked and did they have ladders?

18 A. No.

19 Q. Okay.

20 A. But you lost access to the butcher
21 block to get up too.

22 Q. Tell me about that when did you lose
23 access to the butcher block? Was it '97?

24 A. Yes, I think it was '97, yes, because

1 Q. You were in Building 3?

2 A. Yes, Building 3.

3 Q. And was there anything about the fact
4 that there weren't ladders that you made a
5 complaint relating to this or was it solely that
6 you had twisted your back?

7 A. Yes, I had to go from the toilet to the
8 sink and jump up.

9 Q. And how did you make this complaint?
10 Was it orally? Was it in writing?

11 A. Orally, when the nurse practitioner,
12 doctor, nurse, whoever asked me, I told them.

13 Q. Do you know the name of this nurse or
14 doctor?

15 A. Not off the top of my head, no.

16 Q. This was at the Suffolk House of
17 Correction at the time?

18 A. Yes.

19 Q. Did you make any other complaints
20 relating to the assignment to the top bunk in the
21 time frame prior to your incident?

22 A. There was always talk about the top
23 bunk and how dangerous it was. There was always
24 talk about it -- but I didn't --

1 MS. FABELLA: I move to strike the
2 portion that is non-responsive.

3 Q. It is a simple yes or no answer. Did
4 you make any complaints to anyone prior to your
5 incident in February of '03 about your being
6 assigned to the top bunk other than what you have
7 already told us?

8 A. I might have complained but it didn't
9 do any good verbally.

10 Q. Okay. But you never put anything in
11 writing?

12 A. No.

13 Q. You never filed any grievances?

14 A. Not that I can remember, no.

15 Q. Did you ever speak to any official of
16 the Sheriff's Department about the lack of
17 ladders in let's say Building 4 prior to your
18 incident in 2003?

19 A. There was a lot of talk around the
20 whole prison about it, and there was a lot of
21 verbal talk about it. That is about it.

22 MS. FABELLA: I am going to move to
23 strike as non-responsive.

24 Q. Did you make any complaints, not other

1 would come back to your cell, did you get up on
2 your bunk or did you do something else within
3 your cell?

4 A. Most of the time during the day I would
5 sit down and read or occasionally I would go up
6 on the bunk.

7 Q. When you say you would sit down and
8 read where would you sit down and read?

9 A. I would sit down on one of the chairs
10 if it was available.

11 Q. Okay, how many chairs were available in
12 that cell, Cell Number 19?

13 A. You were lucky if you got one.

14 Q. Was there a chair in your Cell No. 19?

15 A. Yes.

16 Q. And so your testimony is that you would
17 only go up and down in your bunk approximately
18 three times a day?

19 A. Let me see -- anywhere between -- let
20 me see.

21 Q. I'm sorry, rephrase, six times -- your
22 testimony was six times, I apologize.

23 A. 1, 2, 3, 4, 5, 6 -- I don't know, it
24 could be between 6 and 9 times, between 6 and 9

1 Q. And were you assigned to the top bunk
2 or the bottom bunk on that occasion?

3 A. Off and on.

4 Q. But you were assigned at some point to
5 the top bunk?

6 A. Yes, but I think I was able to get a
7 bottom bunk most of the time there that I was
8 there.

9 Q. Okay, but you were at some point
10 assigned to a bottom bunk?

11 A. Yes, at different times.

12 Q. And do they have ladders that went to
13 their top bunks?

14 A. No, it was actually more of a military
15 type of bunk bed.

16 Q. What do you mean by that?

17 A. Not just like a slab of steel like more
18 of the connecting military bunk beds with the
19 springs in them.

20 Q. How would you get to the top if there
21 was no ladder?

22 A. How was that -- I am trying to think, I
23 don't know, climb up the frame of the bed.

24 Q. Okay. And when you say you climb up

1 the frame of the bed, would you have to step on
2 the bottom bunk in order to get to the top
3 bunk?

4 A. Probably on the frame of the bed, I am
5 trying to think of that now. The way the bed was
6 made you could climb up it. They don't make them
7 any more. You could go up the front of it, you
8 know, old Army bed, you know.

9 Q. Did you make any complaints that they
10 didn't have ladders while you were there?

11 A. No, I didn't.

12 Q. How about at Barnstable while you were
13 incarcerated there, were you given a top bunk at
14 some point?

15 A. The top, bottom, yes.

16 Q. But at some point you were on the top
17 bunk while you were there?

18 A. Yes, yes.

19 Q. And there were ladders there?

20 A. No, there were different types of beds,
21 again, it was military beds, you have to climb up
22 the frame.

23 Q. Again by stepping on the lower bunk and
24 hoisting yourself up?

1 A. By stepping on the frame there was a
2 bar there and another bar and you go hold onto
3 the bars to get up to the top.

4 Q. And you have been incarcerated at
5 Concord, correct?

6 A. Yes, I have.

7 Q. And do they have ladders on their beds?

8 A. No, they don't.

9 Q. And you have been on the top bunk in
10 that facility -- while you were incarcerated at
11 Concord at some point?

12 A. Let me see how they do that -- Concord
13 they have a locker -- you go from the locker to a
14 window up to the top.

15 Q. But there are no ladders there either?

16 A. No, there is no ladders there, no.

17 Q. Did you make any complaints about the
18 fact that they didn't have any ladders?

19 A. No.

20 Q. And you were incarcerated in Shirley
21 obviously currently, not incarcerated by being
22 held in Shirley?

23 A. Yes.

24 Q. Are you assigned to a top or bottom

1 bunk?

2 A. It is all single cells there.

3 Q. It is single cells in Shirley?

4 A. Yes, single cells which I am grateful
5 for.

6 Q. You were in Bridgewater as well at some
7 point?

8 A. Yes.

9 Q. And was there more than one bed in the
10 cell there?

11 A. Yes.

12 Q. Were you assigned to the top or bottom
13 bunk when you were there?

14 A. Top and bottom -- again it fluctuated
15 up and down depending on the classification of
16 the people and me.

17 Q. And were there any ladders in those
18 beds?

19 A. No.

20 Q. Okay, and how did you get to the top
21 bunk?

22 A. There was lockers there. You could
23 stack the iron lockers one on top of the other
24 and made it easier.

1 Q. But there was still no ladder for you
2 to access it?

3 A. No, they put the locker on top of the
4 other locker.

5 Q. Did you make any complaints there or
6 file any grievances with the fact that they
7 didn't have any ladders?

8 A. No, I did not. No, I did not.

9 Q. At any of those facilities that we have
10 just spoken about -- did anyone at those
11 facilities instruct you how to get from the floor
12 to the top bunk?

13 A. No, there wasn't a class or anything
14 that I took, no.

15 Q. Did you ever fall as a result of going
16 up or down any of those -- in the last 20 years
17 prior to this incident -- have you ever fallen
18 while going up or down to a top bunk?

19 A. No, no, no.

20 Q. Have you ever written to any official
21 at the Suffolk County House of Correction about
22 the lack of ladders for you to get to the top
23 bunk?

24 A. No.

1 Q. Have you ever notified any officials at
2 the Suffolk County House of Correction that you
3 were afraid that you were going to fall as a
4 result of having to go up and down the bunks?

5 A. No.

6 Q. Okay.

7 A. In general it is well known.

8 Q. There is no question -- move to strike.

9 A. Yes.

10 Q. Do you contend that someone at the
11 House of Correction was aware of a potential
12 danger to you on February 3rd, 2003?

13 A. I'm sure.

14 Q. It can't be --

15 A. I'm sure they were aware of it, yes.

16 Q. What do you base your information on?

17 A. Just the talk of the prison, different
18 people falling, hearing about this guy falling on
19 his way up, this guy the sink coming off the
20 wall, guys falling off the toilet, slipping off
21 the toilet.

22 Q. Okay, who are these individuals?

23 A. I don't know -- just in general.

24 Q. Did you know any of this before your